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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/604,365	06/27/2000	Georgios Chrysanthakopoulos	3797-85751	4833
28319	7590	11/03/2004	EXAMINER	
BANNER & WITCOFF LTD., ATTORNEYS FOR MICROSOFT 1001 G STREET, N.W. ELEVENTH STREET WASHINGTON, DC 20001-4597			CRAIG, DWIN M	
			ART UNIT	PAPER NUMBER
			2123	

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

05

Office Action Summary	Application No. 09/604,365	Applicant(s) CHRYSANTHAKOPOULOS ET AL.	
	Examiner Dwin M Craig	Art Unit 2123	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 1-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24, 25, 27 and 28 is/are rejected.
- 7) ☒ Claim(s) 26 and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-23 have been cancelled. Claims 24-29 have been presented for Examination in view of Applicant's instant amendments.

Response to Arguments

2. Applicant's arguments submitted in the response dated 7/22/2004 have been fully considered. The Examiners response is as follows.

2.1 The Examiner thanks the Applicant for submitting an updated Abstract and the Examiner withdraws any objection to the specification.

2.2 Regarding Applicant's claim to priority to U.S. Patent Application 09/159,522 now U.S. Patent 6,574,588.

The Examiner notes that in the June 27th 2000 filing that Applicant did properly claim priority to the "09/159,522" Application.

2.3 Regarding Applicant's arguments in response to the 35 U.S.C. 102(b) and 35 U.S.C. 103(a) rejections of the original claims, applicant argued,

These rejections are deemed moot, as these claims have been canceled without prejudice or disclaimer.

The Examiner agrees with the Applicant and withdraws the original prior art rejections that were directed to the cancelled claims.

2.4 An updated search, prompted by Applicant's instant amendments, has revealed new art.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
3. Independent **Claim 24** and dependent **Claim 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Staats et al. U.S. Patent 5,809,331** in view of **Crick U.S. Patent 5,339,432**.

3.1 As regards independent **Claim 24** the *Staats et al.* reference teaches, a system, a communications medium, a driver that is stored in memory and a method of automatically loading the driver (**Figures 1-6, Col. 1 Lines 15-40, Col. 4 Lines 12-35**).

Detecting that the device is connected (**Col. 6 Lines 49-67**).

Determining if a driver is in memory (**Col. 5 Lines 6-15**).

Loading the driver (**Col. 9 Lines 50-57**).

Determining the suitability of the driver (**Figure 6**).

And discloses using a IEEE 1394 device (**Col. 1 Lines 15-41**).

However, the *Staats et al.* reference does not expressly disclose *prompting a user to manually load a device driver compatible with the operating system*.

The *Crick* reference discloses prompting a user to manually load a device driver compatible with the operating system (**Col. 2 Lines 40-64**).

It would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to allow a user to select and configure a device driver because by doing so allows the user to upgrade a device driver without having to manually configure any arcane and poorly documented system configuration settings (*Crick, Col. 1 Lines 46-68*).

3.2 As regards dependent **Claim 25** the *Staats et al.* reference discloses a computer readable medium (**Figure 2 Item 50**).

4. Independent **Claim 27** and dependent **Claim 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Staats et al. U.S. Patent 5,809,331* in view of *Crick U.S. Patent 5,339,432* and in further view of *Hoffman et al. U.S. Patent 5,815,678*.

4.1 As regards independent **Claim 27** the *Staats et al.* reference teaches; a system, a communications medium, a driver that is stored in memory and a method of automatically loading the driver (**Figures 1-6, Col. 1 Lines 15-40, Col. 4 Lines 12-35**).

Detecting that the device is connected (**Col. 6 Lines 49-67**).

Determining if a driver is in memory (**Col. 5 Lines 6-15**).

Loading the driver (**Col. 9 Lines 50-57**).

Determining the suitability of the driver (**Figure 6**).

However, the *Staats et al.* reference does not expressly disclose different device drivers for multiple operating systems or *prompting a user to manually load a device driver compatible with the operating system.*

The *Hoffman et al.* reference discloses multiple device drivers for multiple operating systems (**Figure 3**).

It would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to have combined the serial bus device driver methods of the *Staats et al.* reference with the device driver methods of the *Hoffman et al.* reference because, by providing support for multiple operating systems on one 1394 device, only one version of the product has to be manufactured which reduces to cost to market the product.

The *Crick* reference discloses prompting a user to manually load a device driver compatible with the operating system (**Col. 2 Lines 40-64**).

It would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to allow a user to select and configure a device driver because by doing so allows the user to upgrade a device driver without having to manually configure any arcane and poorly documented system configuration settings (*Crick, Col. 1 Lines 46-68*).

4.2 As regards dependent **Claim 28** the *Staats et al.* reference discloses a computer readable medium (**Figure 2 Item 50**).

Allowable Subject Matter

5. Dependent **Claims 26 and 29** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. **Claims 1-23** have been cancelled. **Claims 24-29** have been presented for Examination. **Claims 24, 25, 27 and 28** have been rejected. Dependent **Claims 26 and 29** have been objected to.

6.1 Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

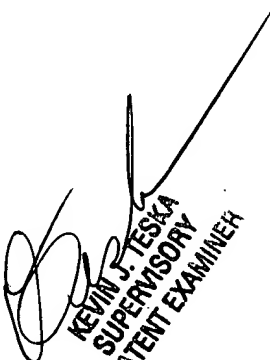
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6.2 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dwain M Craig whose telephone number (571) 272-3710. The examiner can normally be reached on 10:00 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Teska can be reached on (571) 272-3716. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DMC


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